

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/067,319 Confirmation No. 7037
Applicant : Swati Deshmukh
Filed : February 7, 2002
TC/A.U. : 2441
Examiner : Quang N. Nguyen
Docket No. : 920-0150US
Customer No. : 13205
Title : SYSTEM AND METHOD FOR REAL-TIME TRIGGERED EVENT UPLOAD

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed to request reconsideration of the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) for Application Serial No. 10/067,319 filed 7 February 2002. A fee for this Petition is filed herewith. Applicants believe that no additional fees are due in connection with this Petition. However, should any fees or refunds be due, the Office is authorized to charge or credit such fees or refunds to Deposit Account No. 501922, referencing attorney docket number 920-0150US.

Remarks begin on page 2 of this paper.

REMARKS

Applicants have received a Notice of Allowance and a corresponding Determination of Patent Term Adjustment under 35 U.S.C. 154(b), for Application Serial No. 10/067,317 dated 28 September 2011. The calculated Patent Term Adjustment (PTA) is indicated as 3258 days. However, Applicants question the 618 days of delay attributable to A-Time associated with an Examiner's Answer to Appeal Brief filed 5 February 2007 (Answer mailed 12 February 2009). Applicants request the Office take note that the entire period of 618 days overlaps a period of C-Time associated with a Notice of Appeal filed 29 September 2006 and a BPAI decision reversing the rejection mailed 15 August 2011. Applicants further note that this application is not currently subject to a Terminal Disclaimer.

Assignee does not question the Office's calculation of Patent Term Adjustment *at this time* other than the overlapping days being counted twice in Assignee's favor.

Conclusion

Applicants respectfully request that the PTA calculation at Notice of Allowance be updated to properly reflect over-lap with C-Time as required by 37 C.F.R. 1.703(f). Assignee believes the correct PTA (at Notice of Allowance time) for this case should be $3258 - 618 = 2640$ days. If appropriate, the Office should not hesitate to contact the undersigned by phone to discuss this case.

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Respectfully submitted,

/William M. Hubbard/

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